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Attorneys for Defendant

**FOURTH QUARTER PROPERTIES  
XLVIII, LLC**

[additional counsel listed on signature pages]

UNITED STATES DISTRICT COURT

NORTHERN DISTRICT OF CALIFORNIA

SAN JOSE DIVISION

**MENLO EQUITIES DEVELOPMENT  
SERVICES COMPANY LLC**

Plaintiff,

vs.

**FOURTH QUARTER PROPERTIES  
XLVIII, LLC AND DOES 1 THROUGH 100**

Defendants.

Case No. C 07-00089 JW HRL

**JOINT STIPULATION OF DISMISSAL  
AND ~~PROPOSED~~ ORDER**

**JOINT STIPULATION OF DISMISSAL WITH PREJUDICE**

Pursuant to Federal Rule of Civil Procedure 41(a)(1), Plaintiff Menlo Equities Development Services Company LLC and Defendant Fourth Quarter Properties XLVIII, LLC hereby stipulate to the dismissal with prejudice of the First Amended Complaint in this action. Each party shall bear its own costs. Because the case will be dismissed, the parties request that the Court vacate the Status Conference scheduled for June 11, 2007.

Dated: May 24, 2007.

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By [concurrence obtained, General Order 45, § X.B]  
Kirk M. McAlpin

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**DECLARATION PURSUANT TO GENERAL ORDER 45, § X.B**

I, Robert B. Bader, hereby declare pursuant to General Order 45, § X.B, that I have obtained the concurrence in the filing of this document from Kirk M. McAlpin.

I declare under penalty of perjury that the foregoing declaration is true and correct.

Executed on May 24, 2007 at San Francisco, CA.

Dated: May 24, 2007.

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By: /s/ Robert B. Bader

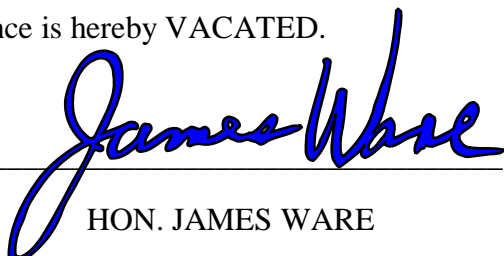
Attorneys for Plaintiff  
MENLO EQUITIES DEVELOPMENT SERVICES  
COMPANY LLC

\* \* \*

 **[PROPOSED] ORDER**

For good cause shown in the Joint Stipulation of Dismissal, PURSUANT TO STIPULATION, IT IS SO ORDERED that this action is dismissed with prejudice. Each party shall bear its own costs. The June 11, 2007 Status Conference is hereby VACATED.

Dated: May 25 2007

  
HON. JAMES WARE

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